Applicant: Braud et al.
Application No.: 09/555,555

REMARKS

Applicant herewith cancels the non-elected claims 1-19 and 24-29, without prejudice. Applicant respectfully submits that the election made with traverse is now moot.

Pursuant to the Examiner's request, copies of the references from the Information Disclosure Statement filed September 6, 2000 are being re-submitted along with this Reply.

By way of this Reply, the Abstract and Specification have been amended to be in compliance with the Examiner's objections. Formal Drawings are also being submitted in compliance with the Draftsperson's objections. Claims 20-22 are currently amended and new claims 30-31 have been added. No new matter is added to this application by the foregoing amendments.

The Examiner has rejected claims 21-22 as indefinite pursuant to 35 U.S.C. § 112, second paragraph, due to the recitation of the phrase "such as". The claims have been amended to overcome this rejection.

Claims 20-23 are rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicants' respectfully traverse this rejection and the Examiner's position that "the instant specification teaches that HLA-E interacts with cells expressing CD94/NKG2A, CD94/NKG2B, and CD94/NKG2C, see Figure 3, but does not teach that any other CD9NKG2 receptors bind HLA-E." Applicants refer the

Examiner to page 3, lines 12-18 of the specification which states, "CD94 also associates with other members of the NKG2 family, which consists of four closely related molecules NKG2A, B, C and E and two more distantly related molecules NKG2D and F." Based on the Examples in the specification, the person skilled in the art, knowing that there is a family of receptors, would be able to practice the invention with any member of the family without undue burden. Claim 20 has accordingly been amended to identify the NKG2 "family" of receptors.

The Examiner also rejected claim 23 under 35 U.S.C. § 102(b) as being anticipated by Alrdich et al., Cell (1994), Vol. 79, pgs. 649-658, as evidenced by Brooks et al., Journal of Immunology (1999), Vol. 162, pts. 305-313. Brooks et al. is an inapplicable prior art reference under 102(b) since it was published well after the priority date of December 4, 1997 and the International Filing Date of December 4, 1998. Note Brooks at reference 16 cites the post priority date publication of the present invention.

Applicants respectfully traverse the Examiner's statement that "Aldrich et al. teach a compound consisting of the peptide consisting of the amino acid sequence AMAPRTLLL, which effects the binding of HLA-E to CD94/NKG2 receptors, ..." Aldrich does not identify NKG2 receptors. While Aldrich describes a nonamer peptide AMAPRTLLL which interferes with HLA binding and is associated with

preparing cells for lysis, it does not teach that AMAPRTLLL affects the binding of HLA-E to CD94/NKG2 receptors as stated in claim 20.

For the above reasons, Applicant respectfully submits that pending claims 20-23 and 30-31 are patentable over the prior art. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

Braud et al.

By Ryan W. O'Donnell

Ryan W. O'Donnell
Registration No. 53,401
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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Enclosures